

WASHOE COUNTY COMMISSION
RENO CITY COUNCIL
SPARKS CITY COUNCIL

JOINT MEETING

TUESDAY

9:00 A.M.

FEBRUARY 18, 2003

PRESENT:

David Humke, Washoe County Commissioner, Chairman
Jim Shaw, Washoe County Commissioner, Vice Chairman
Jim Galloway, Washoe County Commissioner
Pete Sferrazza, Washoe County Commissioner
Bonnie Weber, Washoe County Commissioner

Robert A. Cashell, City of Reno, Mayor
Dwight Dortch, Reno City Councilmember
Toni Harsh, Reno City Councilmember*
Jessica Sferrazza, Reno City Councilmember
Sharon Zadra, Reno City Councilmember

Tony Armstrong, City of Sparks, Mayor
Ron Schmitt, Sparks City Councilmember

ABSENT:

Dave Aiazzi, Reno City Councilmember
Pierre Hascheff, Reno City Councilmember

Michael Carrigan, Sparks City Councilmember
Geno Martini, Sparks City Councilmember
John Mayer, Sparks City Councilmember
Phil Salerno, Sparks City Councilmember

The Board and Councils met in joint session in the Chambers of the Washoe County Administration Complex, 1001 East Ninth Street, Reno, Nevada. Also present were Washoe County Manager Katy Singlaub, Deputy District Attorney Paul Lipparelli, County Clerk Amy Harvey, Reno City Manager Charles McNeely, Deputy Reno City Attorney Creig Skau, Reno City Clerk Lynnette Jones, Sparks City Manager Shaun Carey, and Sparks Deputy City Clerk Lenda Azcarate. Following the Pledge of Allegiance to the flag of our Country, the Clerks called the roll for their respective entities, and the Commission and Councils conducted the following business:

03-151 AGENDA

In accordance with the Open Meeting Law, on motion by Councilmember Sferrazza, seconded by Mayor Cashell, which motion duly carried, Chairman Humke ordered that the agenda for the February 18, 2003 joint meeting be approved.

03-152 RESOLUTION HONORING GREG BROWER

Mayor Armstrong read the Resolution in honor of former Assemblyman Greg Brower and presented the Resolution to Mr. Brower. Mr. Brower thanked the entities for the recognition. He said he enjoyed his time in the Legislature and particularly liked working on local issues. He also said the difficult government work is accomplished at county and city levels.

***9:20 a.m.** Councilmember Harsh arrived at the meeting.

PUBLIC COMMENTS

Tyrus Cobb, Reno native and Washoe County resident, spoke as a concerned citizen for more attention to open space, which he believes contributes to the quality of life in this region. Mr. Cobb placed a letter on file with the County Clerk.

Sam Dehne, Reno resident, said he was pleased with the citizen attendance at the meeting. He also said he felt the Executive Director of the Reno-Sparks Convention & Visitors Authority should live in Reno rather than in Las Vegas.

03-153 PRESENTATION – KIDS TO SENIOR KORNER

Tom Outland, Chairman, Kids to Senior Korner, said the fundraiser held at the Chophouse in Reno was a true collaboration of the Reno Police Department, Sparks Police Department, Washoe County Sheriff's Office, Washoe County Health Department and St. Mary's Hospital. Mr. Outland was presented a check for \$6,700 by Tim Wright and Tom Cortipassi, co-owners of the Chophouse. Mr. Wright thanked Mayors Cashell and Armstrong, Sheriff Balaam, Councilmembers Zadra, Harsh, and Aiazzi, Reno City Manager Charles McNeely, various members of the press, and the Reno Redevelopment Agency for their support of the event. Mayor Armstrong thanked the Chophouse for their participation.

03-154 UPDATE – REGIONAL NOISE REGULATIONS

Bob Webb, Planning Manager, Washoe County Community Development, stated the Noise Ordinance Working Group is comprised of staff from all three jurisdictions. Paul Bollard of Bollard & Brennan, Inc. presented a noise demonstration of different sounds and levels of sound. He said 70 decibels (dB) is the provision for nighttime maximum noise level standard at noise sensitive exterior areas, the average nighttime noise level standard is 50 dB, and there are no noise standards during daytime hours. Mr. Bollard further said the Occupational Safety and Health Administration (OSHA) regulations say 90 dB in an eight-hour day is a 100 percent dose, which is the point where hearing loss could be expected.

Mr. Bollard said the difference between the draft and the current Ordinance is the draft provides permitting capability for construction noise. In response

to Mayor Armstrong, Mr. Webb said the City of Reno and Washoe County have standards, but the County's standards are based on a 24-hour weighted average, and the draft noise ordinance does not include maximum daytime noise levels. He stated the Working Group felt current OSHA regulations establish threshold levels. Mr. Webb further stated noise complaint calls are low priority. Commissioner Weber said she was not in favor of the draft noise ordinance because she felt it creates more government and regulations. She asked if the nuisance Ordinance covered most of the issues contained in the draft noise ordinance, and Mr. Webb said the draft ordinance focuses on the noise aspect of nuisance. Chairman Humke asked legal counsel to respond in writing concerning Commissioner Weber's question.

Commissioner Sferrazza said he thought staff had been directed to include representatives from the construction industry in the Working Group and that did not happen. Mr. Webb said the Working Group did seek input from people that would be affected by the draft ordinance.

Councilmember Schmitt stated the City of Sparks voted to remove itself from discussions because it was becoming complicated. He noted the calls he receives from the public are disturbing the peace issues, such as barking dogs and people in the neighborhood working late at night on their cars or with machinery. Councilmember Schmitt also said it should be simpler to monitor.

In response to Councilmember Harsh, Mr. Bollard said the standards developed by the Working Group are based on the nuisance issue. He stated history has shown that people will consider noise in excess of 70 dB outside their residence to be a nuisance, and that is the basis for the noise level standards developed for nighttime hours in this draft ordinance.

Councilmember Sferrazza said one of her concerns was nighttime and weekend enforcement because most complaints she receives are disturbing the peace issues, such as barking dogs, horn honking and boom boxes. She stated she attended some of the Working Group meetings and recommended the construction industry should be considered in a separate ordinance. She also said, at the Health Board level, dust regulations were recently passed requiring the contractor to put up a sign with a phone number to call the contractor with dust complaints. She suggested the same system be used for citizen complaints regarding noise outside the hours of construction because that would allow the contractor to fix the problem first. Creig Skau, Deputy Reno City Attorney, said the permit requirement in the draft ordinance would make enforcement easier because if law enforcement, building officials or code enforcement were called out to a noise complaint, the official would ask to see the permit and any conditions attached to it. He further said if they could not produce a permit, they would be told to shut down and get a permit.

In response to Commissioner Shaw, Mr. Bollard stated this would be a refinement, clarification and liberalization of current standards. He also said these are the most lenient noise level standards he has ever been exposed to or worked on, and

nighttime noise level standards are usually applied in the daytime as well. He said the intent was to protect citizens from somebody having freedom to make all the noise they want during nighttime hours. He further stated he felt it was reasonable to protect citizens' ability to sleep at night. Mr. Bollard said he recognizes the construction industry has concerns that need to be considered, the approach to nighttime construction would allow them to work at night when they need to, and he thought it was reasonable.

Mike Lynch, representing the Builder's Association of Northern Nevada, said he thought the Working Group kept the construction industry in the loop with the draft and what issues were being discussed, but he could not recall being invited to attend a specific meeting. He stated they had been supportive of the regional concept of looking at the individual Ordinances of the Cities and County, taking the best parts of each one, and developing a regional ordinance which would help people who work in all three jurisdictions to stay in conformance. Mr. Lynch said, when the regional process fell apart, they felt it would be just as well to continue with the existing Ordinances. In response to Commissioner Sferrazza, Mr. Lynch said construction on Sundays consists mostly of public works jobs, building schools, and road construction, which have deadlines and cost the taxpayers. He further said most reasonable people do not need an ordinance to allow work on these types of jobs outside normal hours. He stated he felt it would be a positive step to make changes in the existing Ordinance to treat Sunday the same as any other day.

Steve Muchicko, representing over 1,700 carpenters, stated they are against the noise ordinance as it pertains to construction. He said they have reasonable and responsible contractors. Mr. Muchicko then questioned how many construction complaints were received over the last year. He stated when they work late at night or weekends it is not because they want to, but because it is necessary due to the schedule or other aspect of the work. He also said they do not feel the current laws are policed adequately.

Nancy Bonham, Reno resident, said amendments need to be made to the current noise and nuisance Ordinances, but she does not support the draft ordinance presented. She also said noise in the county cannot be compared to noise in the city. She proposed the County Commission consider appointing a mediator for Washoe County that would handle noise issues between neighbors. She stated Madelyn Shipman, Assistant District Attorney, and Mike Harper, Planning Manager, Community Development, have approached her to be the mediator; but due to County finances, the County could not train her. Ms. Bonham said she would volunteer time in any way she could. In response to Commissioner Weber, Ms. Bonham stated neither the North Valleys Citizen Advisory Board (CAB) nor the Golden Valley Property Owners Association were notified of the Working Group meetings. In response to Commissioner Sferrazza, she said she was in favor of adding "reasonable sensitivity."

Sam Dehne, Reno resident, stated he was opposed to anything against any construction industry operation before something is done about the number one pre-

meditated and obnoxious noise in the community: motorcycles. He said pre-meditation, suddenness, and length of the noise should be considered.

Norman Dianda, owner of Q & D Construction, said the industry is in support of some kind of ordinance, as long as it is consistent and reasonable. He further said pouring concrete sometimes needs to be at 1:00, 2:00, or 3:00 a.m. in order to make a decent size pour and do a good job. Mr. Dianda said one issue he sees is contractors being required to shut down a job to fuel or service equipment during the day, as it could cost \$5,000 to \$6,000 per hour. He stated he did like Councilmember Sferrazza's idea regarding adding a phone number for noise complaints to the dust control sign.

10:10 a.m. Councilmember Schmitt left the meeting.

Mark Sullivan, Associated General Contractor's, which represents over 300 contractors in Northern Nevada, stated they did not feel the Working Group was responsive to them, and the draft noise ordinance is cumbersome. Commissioners Sferrazza and Weber, and Councilmember Harsh disclosed they had conversations with Mr. Sullivan about this ordinance.

Tom Walbom with Granite Construction said a regional ordinance is a good idea for consistency between jurisdictions and the industry would support it. He asked the joint body not to move forward with the ordinance before them. In response to Commissioner Galloway, Mr. Walbom stated he would be more comfortable with an ordinance that did not target one segment of the community through permitting.

Craig Lindgren, Martin Marietta Materials, stated he was against the draft ordinance, and he asked that the aggregate business be involved in the future.

Roy Walker with Wes Construction said attendance at the public forum in July made him question why money was being spent on this ordinance because, at that meeting, there was one construction related complaint, and everything else was public nuisance such as boom boxes, wind chimes and barking dogs. He stated the construction complaint was by a citizen whose neighbor was using a jackhammer on concrete on Thanksgiving Day.

Chairman Humke read comment cards received from Kevin Quilici, Quilici Construction Co. Inc., and Sean Magic, Valley Hoe, opposing the draft ordinance, which cards were placed on file with the County Clerk. Request to Speak cards in opposition to the draft noise ordinance were received from: Pat Sanderson, Labor Local #169; Frank Lepori, Frank Lepori Construction; John Madole; Ron Deal, Krump Construction, Inc.; Mike Cate, Silver State Masonry; Mike Wakeling, Sr.; Greg Smith, Northern Nevada Operating Eng. Apprenticeship; Bill McHaney, Labors; John Russell, Laborers Union #169; Stephen C. Benna, C. B. Concrete Co.; and Alan Brandt, Diversified Concrete Cutting.

Councilmember Dortch made a motion, which was seconded by Commissioner Sferrazza, that the regional noise regulations be referred back to committee, the existing committee be abolished, and a new committee be created that would include members from the construction industry that want to be involved, such as the AGC, the Builder's Association, Carpenter's Union, as well as the CAB's and Neighborhood Advisory Board's (NAB). Commissioner Weber said she was opposed to the motion because of the County's budget issues and she does not feel a noise ordinance is needed at this time. Councilmember Sferrazza reiterated she would like the new committee to look at the sign proposal, and Chairman Humke agreed. He stated the problem is not with the licensed construction industry, but with neighbors and contracting businesses that are not licensed and are difficult to track down. He further said the concept of a citizen mediator bears reviewing.

On call for the question, the motion passed with Commissioner Weber voting "no." It was noted the City of Sparks did not vote because they did not have a quorum.

11:10 a.m. Chairman Humke left the meeting and Mayor Cashell assumed the gavel.

03-155 **PRESENTATION – REGISTRATION OF CONVICTED SEX OFFENDERS AND FELONS**

In response to Mayor Cashell, Detective Adam Wygnanski, Regional Sex Offender Unit, Reno Police Department, said, under Nevada Revised Statute (NRS) 179D, the three jurisdictions follow the same notification requirements. He also said the Regional Sex Offender Notification Unit is comprised of Washoe County and the Reno Police Department and they would like a representative from Sparks to make it a true regional unit. Detective Wygnanski explained the three-tier system used for notification, which was established by the State Attorney General's Office.

Councilmember Zadra asked if the picture identification card the City of Sparks gives offenders achieves anything. Detective Wygnanski said it is not required by NRS and it is cost prohibitive. Brian Phay, Deputy, Washoe County Sheriff's Office, stated Washoe County does not issue the identification card because people use them for jobs and the employer calls the law enforcement office for information that cannot be given out. In response to Councilmember Zadra, Deputy Phay said Sparks has an ordinance that requires the person to produce the identification card to law enforcement officers when they ask to see it.

11:20 a.m. Mayor Armstrong temporarily left the meeting.

On motion by Councilmember Harsh, seconded by Councilmember Sferrazza, which motion duly carried with Mayor Armstrong temporarily absent, Mayor Cashell ordered that staff for the three entities be directed to prepare a uniform procedure for the registration of convicted sex offenders and felons.

03-156

**INCREASE EFFICIENCY OF ROAD MAINTENANCE AND
SNOW REMOVAL SERVICES, INCLUDING REGIONAL
CONSOLIDATION**

Steve Varela, Director, Public Works/City Engineer, City of Reno, said, in conjunction with Washoe County staff, a Roads Consolidation Scope of Work study was prepared, which was placed on file with the County Clerk.

Sam Dehne stated he supports any consolidation that would save the taxpayers money, provided jobs are not lost.

11:25 a.m. Mayor Armstrong returned to the meeting.

Harry Lorick, Lorick Associates Consulting, said there are opportunities for improved efficiency concerning road related services, such as sharing trucks and specialized equipment, different locations for staging equipment, and standardized reporting. He also said updated technologies could be used to better plan maintenance.

In response to Mayor Cashell, Shaun Carey, Manager, City of Sparks, stated efforts by all staffs are underway concerning the consolidation of all aspects of the road departments. He further said the efficiency work Mr. Lorick is conducting is an important first step, established by the Regional Transportation Commission (RTC), because it does standardize reporting and eliminate differences that exist.

Commissioner Sferrazza made a motion to support the joint RTC, Reno, Sparks, and Washoe County Regional Road Maintenance Evaluation and Efficiency Improvement Project and directed staffs to proceed with a formal consolidation feasibility study for road engineering and administration services. Commissioner Shaw seconded the motion.

In response to Commissioner Galloway and Mayor Armstrong, Katy Singlaub, Manager, Washoe County, said staffs would look in depth at the current revenue sources and expenditure obligations and fully analyze the options.

Commissioner Galloway noted the success of the animal shelter consolidation and Mayor Cashell said he thought consolidation could be accomplished again.

On call for the question, the motion passed unanimously.

03-157

**CONSOLIDATION – CITY OF RENO AND WASHOE COUNTY
PARKS AND RECREATION DEPARTMENTS**

Nancy MacCartney, Director, City of Reno Parks, Recreation and Community Services, and Karen Mullen, Director, Washoe County Parks and Recreation, said an action plan has been included in the Councilmembers' and Commissioners'

packets, which was placed on file with the County Clerk. Ms. Mullen stated they have met with the Washoe County School District staff, who would provide additional information concerning their needs. She further said the School District is specifically looking for the local jurisdictions to mow their large turf areas, which would include ten high schools and miscellaneous elementary schools; and they would reimburse the County and Cities for that work.

11:30 a.m. Councilmember Sferrazza temporarily left the meeting.

On motion by Councilmember Dortch, seconded by Councilmember Harsh, which motion duly carried with Councilmember Sferrazza temporarily absent, Mayor Cashell ordered that the report submitted by the Parks and Recreation Departments be accepted.

11:35 a.m. Councilmember Sferrazza returned to the meeting.

03-158 **ITEMS FOR MARCH JOINT MEETING**

On motion by Mayor Armstrong, seconded by Councilmember Zadra, which motion duly carried, Mayor Cashell ordered that discussion of the City of Reno's annexation program revisions and possible direction to staff and discussion and possible direction to staff regarding legislative issues be continued to the March joint meeting agenda. It was further ordered that the following items be confirmed for the March agenda: TMWA 7th member, consolidation, cooperative weed management, update from EPS on fiscal equity, animal control, and flood control concepts related to Evans Creek & Downtown Reno.

Mayor Armstrong said he felt it was important to have a majority of the voting members of each entity present concerning the TMWA 7th member.

Councilmember Harsh requested a staff report concerning felony and sex offender registration.

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There being no further business to come before the Boards, the meeting adjourned at 11:45 a.m.

ATTEST:

DAVID E. HUMKE, Chairman
Washoe County Commission

AMY HARVEY, County Clerk
and Clerk of the Board of
County Commissioners

ATTEST:

ROBERT A. CASHELL, Mayor
City of Reno

LYNNETTE R. JONES, City Clerk
City of Reno

ATTEST:

TONY ARMSTRONG, Mayor
City of Sparks

DEBORINE J. DOLAN, City Clerk
City of Sparks

*Minutes Prepared By
Melissa Ayrault, Deputy County Clerk*